

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DONNELL MILLER

PLAINTIFF

v.

CAUSE NO. 1:23CV61-LG-RPM

HARRISON COUNTY

DEFENDANT

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING CASE FOR FAILURE TO PROSECUTE**

BEFORE THE COURT is the [18] Report and Recommendation entered by United States Magistrate Judge Robert P. Myers, Jr., who recommends that Plaintiff Donnell Miller's Complaint under 42 U.S.C. § 1983 be dismissed without prejudice for failure to prosecute. Miller did not file an objection to the Report and Recommendation and the deadline for doing so has expired.

Where no party has objected to the Magistrate Judge's report and recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having conducted the required review, the Court finds that Judge Myers' Report and Recommendation is neither clearly erroneous nor contrary to law. Miller's § 1983 Complaint is dismissed without prejudice for failure to prosecute.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the [18] Report and Recommendation entered by United States Magistrate Judge Robert P. Myers, Jr., is **ADOPTED** as the opinion of the Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that this lawsuit is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

SO ORDERED AND ADJUDGED this the 11th day of January, 2024.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
United States District Judge